REMARKS

Claims 1-38 are pending in the present application. In the above amendments, claims 1, 3, 4-6, 8-10, 20, 22- 25, and 27-29 have been amended and claims 2, 7, 11-19, 21, 26, and 30-38 have been canceled without prejudice. Applicants have further made minor amendments to the specification to correct typographical errors.

In the Office Action mailed August 11, 2005, the Examiner rejected claims 1, 5, 6, 10-12, 16, 20, 24, 25, 29, 30, 31 and 35 under 35 U.S.C. 103(a) as being unpatentable over Ragavan et al. (US Patent No. 4,811,394) in view of Chan et al. (US Pub. No. 2002/0089935). Applicants respectfully submit that this rejection as set forth by the Examiner is now deemed moot in view of amending claims 1, 6, 20, and 25 to respectively include the limitations of dependent claims 2, 7, 21, and 26 and the cancellation of independent claims 11, 12, 16, 30, 31, and 35 without prejudice.

Claims 2, 3, 7, 13-14, 17, 21, 22, 26, 32, 33 and 36 are rejected under 35 USC 103(a) for being unpatentable over Ragavan et al. (US Patent No. 4,811,394) in view of Chan et al. (US Pub. No. 2002/0089935) and further in view of Johnson et al. (US Patent No. 6,487,181).

Ragavan discloses a variable starting state scrambling circuit wherein PN sequence generators used in the scrambling and descrambling circuits at remote locations are periodically preset to the same value in order to maintain synchronism, with the preset value being also periodically changed. The preset value can be transmitted to the scrambling and descrambling circuits over a privacy channel once per frame and stored in storage registers associated with each of the scrambling and descrambling circuits. The stored starting state values can be loaded into the PN sequence generators as often is desired to maintain proper synchronization, with the stored values themselves being changed at a rate in accordance with the desired degree of security.

As acknowledged by the Examiner in the rejection, Ragavan fails to teach determining a scrambling sequence in accordance with a metric of system time. The Examiner then relies on Chan for teaching a metric that may be calculated based on system time in paragraph [0047]. Applicants respectfully submit, however, that the metric disclosed in Chan is a channel condition estimation metric and not a metric for determining a (un)scrambling sequence as defined by the

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independent claims of the present invention. Moreover, the Ragavan/Chan combination fails to disclose determining the metric in accordance with a subinterval of a system time interval in which the information bits are transmitted as defined by claims 1 and 20 of the present invention and determining the metric in accordance with a first subinterval of a system time interval preceding a second subinterval of the system time interval by a predetermined number of subintervals, the second subinterval including information bits to be unscrambled as defined by claims 6 and 25 of the present invention.

The Examiner further relies on Johnson to attempt to make up for the deficiencies noted above with regard to the Ragavan/Chan combination. In the rejection, the Examiner alleges that Johnson teaches to determine a metric in accordance with a subinterval of a system time interval. However, as noted in col. 2, lines 50-52, Johnson determines an error metric for an encoded time slot and does not teach to determine a metric in accordance with a subinterval of a system time interval in which the information bits are transmitted as defined by claims 1 and 20 or to determine the metric in accordance with a first subinterval of a system time interval preceding a second subinterval of the system time interval by a predetermined number of subintervals, the second subinterval including information bits to be unscrambled as defined by claims 6 and 25 of the present invention. Additionally, Applicants respectfully submit that the Chan and Johnson references are not even concerned with determining a scrambling or unscrambling sequence. Accordingly, because neither Ragavan, Chan, and Johnson (either taken alone or in combination) teach the above-noted deficiencies with regard to claims 1, 6, 20 and 25 of the present invention, Applicants respectfully submit that these claims (and all claims dependent thereon) are allowable thereover for at least the reasons presented above..

The Examiner further rejected claims 4, 9, 23, and 28 under 35 USC 103(a) as being unpatentable over Ragavan et al. (US Patent No. 4,811,394) in view of Chan et al. (US Pub. No. 2002/0089935) in view of Johnson et al. (US Patent No. 6,487,181) and further in view of Wei et al. (US Patent No. 6,348,876). The Examiner further rejected claims 8, 18, 27 and 37 under 35 USC 103(a) as being unpatentable over Ragavan et al. (US Patent No. 4,811,394) in view of Chan et al. (US Pub. No. 2002/0089935) in view of Johnson et al. (US Patent No. 6,487,181) and further in view of O'Connor et al. (US Patent No. 6,677,617). The Examiner further rejected claims 15, 19, 34 and 38 under 35 USC 103(a) as being unpatentable over Ragavan et al. (US

Patent No. 4,811,394) in view of Chan et al. (US Pub. No. 2002/0089935) and further in view of Wei et al. (US Patent No. 6,348,876). Applicants respectfully submit that since these claims (that have not been cancelled) either directly or indirectly depend from claims 1, 6, 20, and 25 of the present invention and since Wei and O'Conner do not make up for the deficiencies as noted above with regard to Ragavan, Chan, and Johnson, that these claims are allowable thereover for at least the above-noted reasons.

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PATENT

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: February 13, 2006   By: _____

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